

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**PATRICIA GARNER-RUSSO,
et al.**

Plaintiff,

v.

**STATE OF ALABAMA DEPARTMENT
OF HUMAN RESOURCES, DR. PAGE
WALLEY, et al.**

Defendant.

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CASE NO. 2:06 CV-06-626-A

ANSWER

COMES NOW Defendants, State of Alabama Department of Human Resources, Dr. Page Walley and Kimberly Mashego, employees of the Alabama Department of Human Resources by and through the undersigned counsel, and answers Plaintiff's Complaint as follows:

1. Defendants deny each and every other allegation of Plaintiff's complaint and demands strict proof thereof.

AFFIRMATIVE DEFENSES

1. Defendants have sovereign immunity from suit under the Eleventh Amendment to the Constitution of the United States.

2. Defendants aver qualified, good faith immunity as a defense to this action.

3. Plaintiff's Complaint fails to state a cause of action upon which relief may be granted against Defendants.

4. Any award of damages, compensatory or punitive, against Defendants would violate Defendants' sovereign immunity under the Eleventh Amendment to the Constitution of the United States.

5. Defendants deny that Plaintiff has pled or proved that she is entitled to either compensatory or punitive damages.

6. Defendants reserve the right to amend their list of defenses to include any defenses which become available or appear during the investigation of this case, discovery procedures or otherwise.

RESPECTFULLY SUBMITTED this 30th day of August 2006.

TROY KING, KIN047
ATTORNEY GENERAL

SHARON E. FICQUETTE, FIC001
ASSISTANT ATTORNEY GENERAL

/s/ Michael C. Joiner
MICHAEL C. JOINER - JOI003
Assistant Attorney General

State of Alabama
Department of Human Resources
P.O. Box 304000
Montgomery, Alabama 36130-4000
Phone: (334) 242-9330
Fax: (334) 242-0689

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing ANSWER upon the following by placing a copy thereof, addressed to them as indicated below, in U.S. Mail, first class postage prepaid, on this the 30th day of August 2006.

Patricia Garner-Russo
710 Augusta Farms Road
Waynesboro, VA 22980

/s/ Michael C. Joiner
MICHAEL C. JOINER – JOI003
Assistant Attorney General

State of Alabama
Department of Human Resources
P.O. Box 304000
Montgomery, Alabama 36130-4000
Phone: (334) 242-9330
Fax: (334) 242-0689

ATTORNEY FOR DEFENDANT